

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Mar 15, 2022

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LETICIA RODRIGUEZ,

Defendant.

No. 4:21-CR-06028-MKD-7

ORDER FOLLOWING INITIAL
APPEARANCE AND
ARRAIGNMENT ON INDICTMENT
AND SETTING CONDITIONS OF
RELEASE

On Tuesday, March 15, 2022, Defendant was arraigned on the Second Superseding Indictment (ECF No. 119). With Defendant's consent, Defendant appeared by video from the Benton County Jail. Defendant was represented by court-appointed attorney Nicholas Marchi. Assistant United States Attorney Stephanie Van Marter represented the United States.

Defendant was advised of and acknowledged Defendant's rights.

A member of the Criminal Justice Act Panel was appointed to represent Defendant.

Defendant pled not guilty.

1 The United States did not move for detention

2 The Court directs the parties to review the Local Criminal Rules governing
3 discovery and other issues in this case. [http://www.waed.uscourts.gov/court-
5 info/local-rules-and-orders/general-orders](http://www.waed.uscourts.gov/court-
4 info/local-rules-and-orders/general-orders).

6 Under federal law, including Rule 5(f) of the Federal Rules of Criminal
7 Procedure, *Brady v. Maryland*, 373 U.S. 83 (1963), and all applicable decisions
8 from the Supreme Court and the Ninth Circuit interpreting *Brady*, the United States
9 has a continuing obligation to produce all information or evidence known to the
10 United States relating to guilt or punishment that might reasonably be considered
11 favorable to Defendant's case, even if the evidence is not admissible so long as it is
12 reasonably likely to lead to admissible evidence. *See United States v. Price*, 566
13 F.3d 900, 913 n.14 (9th Cir. 2009). Accordingly, the Court orders the United
14 States to produce to Defendant in a timely manner all such information or
15 evidence.

16 Information or evidence may be favorable to a defendant's case if it either
17 may help bolster the defendant's case or impeach a prosecutor's witness or other
18 government evidence. If doubt exists, it should be resolved in favor of Defendant
19 with full disclosure being made.

20 If the United States believes that a required disclosure would compromise
witness safety, victim rights, national security, a sensitive law-enforcement

1 technique, or any other substantial government interest, the United States may
2 apply to the Court for a modification of the requirements of this Disclosure Order,
3 which may include *in camera* review and/or withholding or subjecting to a
4 protective order all or part of the information.

5 This Disclosure Order is entered under Rule 5(f) and does not relieve any
6 party in this matter of any other discovery obligation. The consequences for
7 violating either this Disclosure Order or the United States' obligations under *Brady*
8 include, but are not limited to, the following: contempt, sanction, referral to a
9 disciplinary authority, adverse jury instruction, exclusion of evidence, and
10 dismissal of charges. Nothing in this Disclosure Order enlarges or diminishes the
11 United States' obligation to disclose information and evidence to a defendant under
12 *Brady*, as interpreted and applied under Supreme Court and Ninth Circuit
13 precedent. As the Supreme Court noted, "the government violates the
14 Constitution's Due Process Clause 'if it withholds evidence that is favorable to the
15 defense and material to the defendant's guilt or punishment.'" *Turner v. United*
16 *States*, 137 S. Ct. 1885, 1888 (2017) (quoting *Smith v. Cain*, 565 U.S. 73, 75
17 (2012)).

18 **IT IS ORDERED:**

19 1. If a party desires this Court to reconsider conditions of release
20 because of material and newly discovered circumstances under 18 U.S.C. §

1 3142(f), that party shall file a motion with the Court, served upon the United States
2 Attorney, stating what circumstances are new, how they are established, and the
3 requested change in conditions of release.

4 3. If a party seeks review of this Order by another court pursuant to 18
5 U.S.C. § 3145(a), counsel shall adhere to the Detention Order Review Protocol
6 found in LCrR 46(k).

7 4. Defendant is bound over to Judge Mary K. Dimke for further
8 proceedings.

9 5. Defendant shall be released on **March 16, 2022 at 8:00 AM** to report
10 directly to the Richland, Washington United States Probation Office and Defendant
11 shall abide by the following conditions at all times:

12 **STANDARD CONDITIONS OF RELEASE**

13 1. Defendant shall not commit any offense in violation of federal, state,
14 or local (including tribal) law. Defendant shall advise the supervising Pretrial
15 Services Officer and defense counsel within one business day of any charge, arrest,
16 or contact with law enforcement. Defendant shall not work for the United States
17 government or any federal or state law enforcement agency unless Defendant first
18 notifies the supervising Pretrial Services Officer in the captioned matter.

19 2. Defendant shall immediately advise the Court and the United States
20 Attorney in writing before any change in address.

1 3. Defendant shall appear at all proceedings and surrender as directed for
2 service of any sentence imposed.

3 4. Defendant shall sign and complete form A.O. 199C before being
4 released.

5 5. Defendant shall not possess a firearm, destructive device, or any
6 dangerous weapons.

7 6. Defendant shall report to the U.S. Probation/Pretrial Services Office
8 before or immediately after release and shall report as often as they direct, at such
9 times and in such manner as they direct.

10 7. Defendant shall contact defense counsel at least once a week.

11 8. Defendant is further advised it is unlawful for any person who is
12 under indictment for a crime punishable by imprisonment for a term exceeding one
13 year, to receive, ship or transport in interstate or foreign commerce any firearm or
14 ammunition or receive any firearm or ammunition which has been shipped or
15 transported in interstate or foreign commerce.

16 9. Defendant shall refrain from use or unlawful possession of a narcotic
17 drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed
18 by a licensed medical practitioner in conformance with Federal law. Defendant
19 may not use or possess marijuana, regardless of whether Defendant has been
20 authorized medical marijuana under state law.

1 10. Defendant shall surrender any passport to Pretrial Services and shall
2 not apply for a new passport.

3 **SPECIAL CONDITIONS OF RELEASE**

4 1. Defendant shall remain in the District of Oregon where she resides
5 and the Eastern District of Washington for Court unless given permission by the
6 United States Probation/Pretrial Services Office.

7 2. Defendant shall notify the United States Probation/Pretrial Services
8 Office within 24 hours of any change in address, telephone number, or
9 employment.

10 3. Defendant shall avoid all contact, direct or indirect, with any co-
11 defendants and with any persons who Defendant would reasonably know are or
12 may become a victim or potential witness in the subject investigation or
13 prosecution.

14 4. GPS Location Monitoring: Defendant shall participate in a program of
15 GPS location monitoring. Defendant shall wear at all times a GPS device under
16 the supervision of United States Probation/Pretrial Services Office. In the event
17 Defendant does not respond to GPS monitoring or cannot be found, the United
18 States Probation/Pretrial Services Office shall immediately advise the Court.
19 Defendant shall pay all or part of the cost of the program based upon ability to pay
20 as determined by the United States Probation/Pretrial Services Office.

1 5. Curfew: Defendant shall be restricted to Defendant's approved
2 residence every day from 8:00 PM to 6:00 AM.

3 DATED March 15, 2022.

4 s/James P. Hutton
5 JAMES P. HUTTON
6 UNITED STATES MAGISTRATE JUDGE
7
8
9
10
11
12
13
14
15
16
17
18
19
20